

ASSEMBLY BILL

No. 1074

Introduced by Assembly Member Aanestad
(Coauthor: Senator Johannessen)

February 25, 1999

An act to add Section 1504.1 to the Fish and Game Code, relating to wildlife conservation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1074, as introduced, Aanestad. Wildlife management areas: conservation easements.

Under existing law, when income is derived directly from real property acquired and operated by the state as wildlife management areas, the Department of Fish and Game is required to pay annually to the county in which the property is located an amount equal to the county taxes levied upon the property at the time title to the property was transferred to the state. Existing law also requires the department to pay the assessments levied upon the property by any irrigation, drainage, or reclamation district.

This bill would provide that, when real property or an interest in real property is acquired by the transfer of a conservation easement to the state, for purposes relating to wildlife conservation or habitat preservation, the department shall annually pay to the county in which the easement is located an amount equal to the amount of any property taxes levied upon the easement at the time title to the easement is transferred to the state, and would require the department to

also pay its pro rata share of any assessments levied upon the easement property by any irrigation, drainage, or reclamation district. The bill would prescribe a formula for determining the value of an easement acquired by the state, and would require that payments provided to a county pursuant to those provisions be made from funds available to the department, on or before December 10 of each year.

Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to pay expenses incurred in carrying out the Fish and Game Code.

Because this bill would require the department to make certain payments to counties from those funds, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1504.1 is added to the Fish and
2 Game Code, to read:

3 1504.1. (a) When real property or an interest in real
4 property is acquired by the transfer of a conservation
5 easement to the state, as defined in Section 815.1 of the
6 Civil Code, for purposes relating to wildlife conservation
7 or habitat preservation, the department shall annually
8 pay to the county in which the easement is located an
9 amount equal to the amount of any property taxes levied
10 upon the value of the easement at the time title to the
11 easement is transferred to the state. The department shall
12 also pay its pro rata share of any assessments levied upon
13 the easement property by any irrigation, drainage, or
14 reclamation district.

15 (b) The value of an easement acquired by the state
16 pursuant to subdivision (a) shall be determined by
17 subtracting the value of the fee simple estate after
18 imposition of the easement from the value of the fee
19 simple estate before imposition of the easement. This
20 calculation shall be determined based upon the quantity
21 and quality of the property rights in the fee simple estate



1 taken by the easement, as equated to a percentage of the
2 value of the estate.

3 (c) Payments provided to a county pursuant to this
4 section shall be made from funds available to the
5 department.

6 (d) Payments under this section shall be made on or
7 before December 10 of each year.

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